

REMARKS/ARGUMENTS

Claims 1-20 are rejected, with claim 21 withdrawn from consideration in the outstanding Official Action. Claims 2 and 21 have been cancelled, without prejudice, and claims 1 and 3-17 amended, along with newly submitted claims 22 and 23. Therefore, the remaining claims are claims 1, 3-20, 22 and 23.

The telephone interview with the Examiner on May 20, 2003 is very much appreciated (it is believed that "2002" on the Interview Summary Record is a typographical error and should read "2003"). The Examiner's contacting of applicants' representative regarding possible amendments to the claims in this application was very much appreciated.

While the Examiner's suggestions are in large part adopted in the pending Amendment, it was necessary to actually review the cited prior art reference to determine whether amendment was warranted or needed. While applicants do not believe the claim amendments are needed in view of the cited prior art reference, applicants have nonetheless, in claims 1-20, made the amendments suggested by the Examiner. However, applicants have also added newly written claims 22 and 23 which are believed directed to the broader scope of applicants' invention which is believed patentable over the cited prior art. Consideration of the newly written claims is respectfully requested.

The Examiner's consideration of the prior art cited in applicants' submitted Information Disclosure Statements is very much appreciated.

Claims 1-20 stand rejected in the outstanding Official Action under 35 USC §112 (second paragraph) as being indefinite. The spelling of the word "through" in claim 1, line 6 has been corrected. This amendment obviates any further objection to claim 1 or claims dependent thereon subject to the provisions of 35 USC §112.

Claims 1, 5 and 10-14 stand rejected under 35 USC §102 as anticipated by, or in the alternative, under 35 USC §103 as obvious over Miyazaki (EP 0 568 024).

Applicants' independent claim 1 (and thus claims 3-20 dependent thereon) has been amended to recite elements of a chromatographic system in which the transport channel includes a fluid inlet and a separation channel.

As discussed during the interview, the Miyazaki reference does not contain any separation channel and is related to a capillary pump for feeding small quantities of liquid. Thus, Miyazaki cannot anticipate or render obvious the subject matter of applicants' independent claim 1 or claims 3-20 dependent thereon.

Miyazaki also fails to anticipate or render obvious the subject matter of applicants' newly written claims 22 and 23. Miyazaki fails to teach a fluid transport apparatus, where the transport channel includes a plurality of fluid inlets (claim 22) or has an evaporator wherein each evaporator channel has a plurality of open fluid outlets (claim 23). While Miyazaki may comprise a fluid transport apparatus in the extreme broadest sense of the word, it does not disclose the details of a fluid transport apparatus as claimed in applicants' newly written claims 22 and 23. Accordingly, newly written claims 22 and

MANZ et al

• Appl. No. 10/046,564

October 20, 2003

23 are believed patentable over the Miyazaki reference and notice to that effect is respectfully requested.

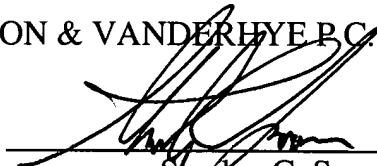
It is noted that newly written claims 22 and 23 are believed to be generic claims covering the subject matter of the related species in claims 1 and 3-20. As a result, these claims should be considered together and allowed in view of this amendment.

Having responded to all objections and rejections set out in the outstanding Official Action, it is submitted that claims 1, 3-20, 22 and 23 are in condition for allowance and notice to that effect is respectfully solicited. In the event the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, he is respectfully requested to contact applicant's undersigned representative.

Respectfully submitted,

NIXON & VANDERHYTE P.C.

By:



Stanley C. Spooner
✓ Reg. No. 27,393

SCS:kmm

1100 North Glebe Road, 8th Floor

Arlington, VA 22201-4714

Telephone: (703) 816-4000

Facsimile: (703) 816-4100